

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 31-60 are currently being prosecuted. Claims 1-9, 13-20, 22-28 and 30 have been canceled and claims 31-60 have been added by the present amendment.

In the outstanding Office Action, claim 16 was objected to; claims 1-16 were rejected under 35 U.S.C. § 112, second paragraph; claims 17-20 and 22 were rejected under 35 U.S.C. § 102(b) as anticipated by Hiroyoshi et al.; claims 23, 24, 27 and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by Saki; claims 1-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hiroyoshi et al. in view of Applicant's submitted prior art (AAPA); claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Saki in view of Hiroyoshi et al.; and claims 29 and 30 were indicated as allowable if rewritten in independent form.

Claims 1-30 have been canceled, and replaced with new claims 31-60. Accordingly, the object to claim 16 and the rejection of claims 1-16 under 35 U.S.C. § 112, second Paragraph, are moot. Further, comments will be presented distinguishing new claims 31-60 over the applied art.

In more detail, new independent claim 31 includes a combination of features and is directed to a vibration device including upper and lower cases combined with each other to form a case, a magnetic force generating unit provided on at least one surface of the upper and lower cases, at least one magnet disposed to be opposite to the magnetic force generating unit, a weight combined with the at least one magnet, and at least one elastic unit configured to support the weight elastically. Further, the at least one elastic unit is contacted and supported with the case.

These features are supported at least by Figures 3 and 4. For example, Figures 3 and 4 illustrate a vibration device including upper and lower cases 110 and 120 combined with each

other to form a case, a magnetic force generating unit 130 provided on at least one surface of the upper and lower cases 110 and 120, at least one magnet 140 disposed to be opposite to the magnetic force generating unit 130, a weight 150 combined with the at least one magnet 140, and at least one elastic unit 160 configured to support the weight 150 elastically. Further, the at least one elastic unit 160 is contacted and supported with the case 110 and 120.

On the contrary, as shown in Figure 1 of Hiroyoshi, the elastic units 310 are not contacted with and supported by the case. Rather, the elastic units 310 only contact the member 200. Similar comments apply to Saki and AAPA.

Further, new claim 43 is directed to a vibration device including a casing body having an upper surface, a lower surface and a side surface, a weight including at least one magnet disposed in the casing body, at least one elastic unit configured to support the weight elastically and contacted with the casing body, and a magnetic force generating unit configured to generate a magnetic force to vibrate the weight in the casing body. Further, a distance between a side surface of the weight and a side surface of the casing body is smaller than a distance between a contact portion of the at least one elastic unit with the casing body and the side surface of the casing body.

These features are also supported at least by Figures 3 and 4. For example, Figures 3 and 4 illustrate a distance between a side surface of the weight 150 and a side surface of the casing body 110, 120 is smaller than a distance between a contact portion of the at least one elastic unit with the casing body and the side surface of the casing body. It is respectfully submitted the applied art also does not teach or suggest these features.

In addition, new independent claim 55 includes a combination of elements and is

directed to a vibration device including a casing body including an upper surface, a lower surface and a side surface, a weight including at least one magnet disposed in the casing body, an elastic unit configured to support the weight elastically and contacted with the casing body and the weight, and a magnetic force generating unit configured to generate a magnetic force to vibrate the weight in the casing body. Further, the magnetic force generating unit and the contact portion of the elastic unit and the casing body are formed on same horizontal plane.

These features are supported at least by Figures 3 and 4. For example, Figures 3 and 4 illustrate the magnetic force generating unit 130 and the contact portion of the elastic unit 160 and the casing body 120 are formed on a same horizontal plane. This differs from Hiroyahshi et al., which discloses the magnetic force generating unit 220 and the contact portion of the elastic unit 310 and the casing body not being formed on a same horizontal plane. Similar comments apply to Sakai and AAPA.

In addition, new independent claim 59 includes a combination of elements and is directed to a vibration device including a case, a terminal plate attached to one side of the case and connected to an external power source, a vibrating plate disposed in an upper portion of the case, a voice coil disposed below the vibrating plate, a magnetic force generator formed below the voice coil, a 3-dimensional elastic unit for elastically supporting the magnetic force generator, and upper and lower covers formed above and below the case to protect inner components between the upper and lower covers. Further, the 3-dimensional elastic unit is contacted and supported with the lower surface of the case.

These features are supported at least by Figure 9. It is respectfully submitted the applied art does not teach or suggest the features recited in new independent claim 55.

Accordingly, it is respectfully submitted independent claims 31, 43, 55 and 59, and each of the claims depending therefrom are allowable.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone David A. Bilodeau at (703) 205-8072 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: May 7, 2007

Respectfully submitted,

By James T. Eller, Jr. #40,953
James T. Eller, Jr.
Registration No.: 39,538
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant